

DOCKET NO: 252020US2SRD

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
SHINSUKE MATSUNO, ET AL. : EXAMINER: MAPLES, JOHN S  
SERIAL NO: 10/825,437 :  
FILED: APRIL 16, 2004 : GROUP ART UNIT: 1745  
FOR: NONAQUEOUS ELECTROLYTE :  
SECONDARY BATTERY

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated May 14, 2007, Applicants provisionally elect with traverse Claims 1-11, drawn to a first non-aqueous secondary battery, Classified in Class 429, subclass 223 for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional

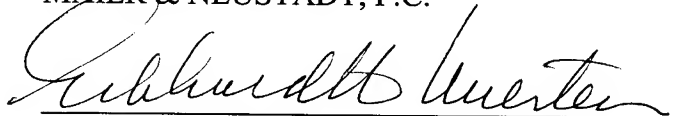
Application No. 10/825,437  
Reply to Office Action of May 14, 2007

effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-17 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

A handwritten signature in cursive script, appearing to read 'Eckhard H. Kuesters', written over a horizontal line.

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